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ACTION EUR-00

RELEASED IN FULL

INFO	LOG-00	NP-00	AID-00	A-00	ACQ-00	CCO-00	CG-00
	CIAE-00	COME-00	CTME-00	DODE-00	DOEE-00	DOTE-00	DS-00
	EB-00	FAAE-00	FBIE-00	VC-00	TEDE-00	INR-00	INSE-00
	IO-00	L-00	CAC-00	VCE-00	M-00	AC-00	NRC-00
	NSAE-00	NSCE-00	OCS-00	OMB-00	PA-00	PM-00	PRS-00
	ACE-00	P-00	SCT-00	SP-00	SS-00	TRSE-00	T-00
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FM AMEMBASSY ROME
TO SECSTATE WASHDC IMMEDIATE 1161
INFO AMCONSUL MILAN

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SENSITIVE

E.O. 12958: N/A
TAGS: PREL, PGOV, PTER, IT
SUBJECT: SUCCESSFUL APPEAL PAVES THE WAY FOR SIX ADDITIONAL
ARREST WARRANTS FOR "CIA AGENTS" INVOLVED IN ALLEGED
RENDITION

REF: ROME 2444

1. (U) Sensitive but Unclassified -- not for Internet distribution.
2. (SBU) Reftel reported that Milan Prosecutor Armando Spatiero had appealed a lower court's denial of arrest warrants for six additional purported CIA agents (beyond the 13 for which warrants were earlier approved) accused of involvement in the alleged February 17, 2003, rendition of Milan Imam Hassan Mustafa Osama Nasr, aka Abu Omar.
3. (SBU) National and international press reports now indicate that the appellate court on July 25 overturned the earlier decision, paving the way for the issuance of arrest warrants against the six additional "agents." According to the press articles, the court was convinced that the site surveys the six are accused of implementing to assist in planning the alleged rendition were not "episodic," but rather an integral part of the operation. Furthermore, according to the reports, which cite confidential court sources, the court wrote it was concerned that the acts (i.e., the "rendition") could be repeated. At least one

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article published ages and states of birth, as well as names, of the six (see para 4, reftel).

4. (SBU) Other articles report that the Berlusconi Government is considering invoking State Secrecy in the case.

Some commentators suggest this could be a way of settling the issue, but left-leaning papers charged that invoking State Secrecy would constitute proof the Government had been involved in the alleged act.

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